

## EXHIBIT D

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**KOREIN TILLERY**  
A TEAM OF ATTORNEYS

### **KOREIN TILLERY LLC**

**KOREIN TILLERY** is a twenty attorney law firm with offices in Missouri and Illinois that has recovered billions of dollars in verdicts and settlements in a variety of cases across the country involving pension funds, insurance, securities, antitrust, pharmaceuticals, environmental contamination, tobacco, computer technology and consumer fraud. The firm has received professional recognition for excellence among judges, lawyers and the community.

Founded in 1972, Korein Tillery is recognized by its peers as one of the leading litigation law firms in the United States. Korein Tillery has been named by the National Law Journal in its 2003, 2004, and 2007 “PLAINTIFFS’ HOT LIST” as one of the top 15 Plaintiffs’ firms from all specialties. *See THE PLAINTIFFS’ HOT LIST, 25 NAT’L L.J. S3* (July 21, 2003); *THE PLAINTIFFS’ HOT LIST, 26 NAT’L L.J. S6* (July 26, 2004); *THE PLAINTIFFS’ HOT LIST, 30 NAT’L L.J. S8*, (Nov. 22, 2007).

In 2006, the American Bar Association’s Securities Litigation Journal, in its article “Top 10 Securities Law Decisions of 2006,” noted that the two most significant decisions in the securities law arena were *Kircher v. Putnam Funds Trust* and *Merrill Lynch Pierce Fenner & Smith, Inc. v. Dabit*. In *Kircher*, Korein Tillery served as lead counsel for the plaintiffs’ class from the initial trial court filing to the Supreme Court of the United States, where the Court reversed the Seventh Circuit in a 9-0 decision. In *Dabit*, Korein Tillery was brought in to assist the plaintiffs’ class after the Court granted certiorari.

Korein Tillery has been appointed as class counsel in more than forty-five class actions<sup>1</sup> and has successfully negotiated some of the country’s largest settlements. *See,*

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<sup>1</sup> *Asbury v. May Dep’t Store Co. Ret. Plan*, 97-667-GPM (S.D. Ill. May 3, 1999); *Barbara’s Sales Inc., v. Intel Corp.*, 02-L-788 (Ill.Cir.Ct. July 12, 2004); *Berger v. Xerox Corp. Ret. Income Guar. Plan*, 00-584-DRH (S.D. Ill. Dec. 5, 2003); *Call v. Ameritech Mgmt. Pension Plan*, 01-717-GPM (S.D. Ill. Aug. 26, 2003); *City of University City, Missouri, v. AT&T Wireless Services, Inc.*, Case No. 01-CC-004454 (Mo.Cir.Ct. Aug. 30, 2007); *Clutts v. Allstate Ins. Co.*, 02-L-226 (Ill.Cir.Ct. Dec. 6, 2005); *Cooper v. The IBM Pers. Pension Plan*, 99-829 GPM (S.D. Ill. May 19, 2005); *Dunn v. BOC Group Pension Plan*, 01-CV-382-DRH (S.D. Ill. Dec. 11, 2003); *Esden v. Bk. of Boston*, 97-CV-114, (D. Vt. Jan. 12, 2001); *Folkerts v. Illinois Bell Tel. Co.*, 95-L-912 (Ill.Cir.Ct. Jan. 7, 1998); *Fun Serv. of Kansas City, Inc. v. AMF Bowling, Inc.*, 03-DV-203690 (Mo.Cir.Ct. Apr. 22, 2005); *Gans v. Leiserv, Inc.*, 02CC-002115 (Mo.Cir.Ct. Oct. 6, 2004); *Gans v. Seventeen Motors, Inc.*, 01-L-478, (Ill.Cir.Ct. July 1, 2002); *Graf v. Automatic Data Processing*, 00-694-GPM (S.D. Ill Jun 18, 2001); *Harris v. Roto-Rooter Servs. Co.*, 00-

e.g., *Parker v. Sears Roebuck & Co.*, Case No. 04-L-716 (Ill.Cir.Ct., Jan. 16, 2008) (settlement valued at \$544.5 million); *Cooper v. The IBM Pers. Pension Plan*, 2005 WL 1981501, 35 Employee Benefits Cas. 2488 (S.D. Ill. Aug. 8, 2005) (\$325 million settlement); *Sparks v. AT&T Corp.*, 96-LM-983 (Ill.Cir.Ct. Nov. 4, 2002) (\$350 million settlement); *Sullivan v. DB Investments, Inc.*, 04-2819 (D.N.J. Nov. 30, 2005) (\$290 million settlement); *Folkerts v. Illinois Bell Tel. Co.*, 95-L-912 (Ill.Cir.Ct. July 7, 1998) (\$252 million settlement); *Berger v. Xerox Corp. Ret. Income Guar. Plan*, 2004 WL 287902, 32 Employee Benefits Cas. 1362 (S.D. Ill. Jan. 22, 2004) (\$240 million settlement); *Malloy v. Ameritech*, 98-488-GPM (S.D. Ill. July 21, 2000) (\$180 million settlement); *In Re: MCI Non-Subscriber Tel. Rates Litig.*, MDL 1275 (S.D. Ill. Apr. 19, 2001) (\$99 million settlement); *Dunn v. BOC Group Pension Plan*, 01-CV-382-DRH (S.D. Ill. Mar. 12, 2004) (\$70 million settlement); and *Hoormann v. SmithKline Beecham Corp.*, 04-L-715 (Ill.Cir.Ct., May 17, 2007) (\$63.8 million settlement).

Korein Tillery is a leader in representing classes of employees and retirees in fighting pension funds' manipulation of pension accruals and payments that leave retirees

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L-525 (Ill.Cir.Ct. Nov. 17, 2005); *Howard v. Brown & Williamson Tobacco Co.*, 00-L-136 (Ill.Cir.Ct. Dec. 18, 2001); *Hoormann v. SmithKline Beecham Corp.*, 04-L-715 (Ill.Cir.Ct. Oct. 6, 2006); *In Re: MCI Non-Subscriber Tel. Rates Litig.*, MDL 1275 (S.D. Ill. Jan. 12, 2001); *JC Hauling v. Capital Associates*, 02-L-0425 (Ill.Cir.Ct. Feb. 9, 2005); *Joiner v. Ameritech Mobile Commc'n's*, 96-L-121 (Ill.Cir.Ct. Aug. 8, 2000); *Kohl v. Am. Trial Lawyers Ass'n*, AW-97-3264 (D. Md. Nov. 2, 1999); *Laurenzano v. Blue Cross/Blue Shield of Mass. Ret. Income Trust*, 99CV11751 (D. Mass. Apr. 30, 2002); *Little, LLC v. Brinker Missouri, Inc.*, 02CC-003965 (Mo.Cir.Ct. Sept. 23, 2005); *Malloy v. Ameritech*, 98-488-GPM (S.D.Ill. May 3, 2000); *Mangone v. First USA Bank, N.A.*, 00-881-MJR (S.D. Ill. Nov. 21, 2000); *May v. SmithKline Beecham Corp.*, 98-108-WDS (S.D.Ill. May 31, 2001); *Medeika v. Southern New England Tel.*, 97CV01123 (D.Conn. Aug. 9, 1999); *Nichols v. B.P. America Pension Plan*, 01-C-6238 (N.D. Ill. July 15, 2002); *Nichols-Siedhoff v. Ameritech Corp.*, 01-L-456 (Ill.Cir.Ct. Feb. 6, 2004); *Parker v. Sears, Roebuck & Co.*, Case No.: 04-L-716 (Ill.Cir.Ct. Sept. 18, 2007); *Patterson v. Nations Bk.*, 99-481-PER (S.D. Ill. July 29, 1999); *Pierce v. Gold Kist*, CV-97-L-0748-5 (N.D. Ala. Aug. 11, 1997); *Prather v. Pfizer Inc.*, 02-L-480 (Ill.Cir.Ct. Mar. 2, 2004); *Price v. Philip Morris Inc.*, 00-L-112 (Ill.Cir.Ct. Feb. 8, 2001); *Rice v. Nat'l Steel*, 98-L-98 (Ill.Cir.Ct. Jun. 30, 1999); *Richardson v. Fairchild Space & Defense*, 99-1867 (M.D. Penn. Oct. 9, 2001); *Rogers v. Tyson Foods, Inc.*, 01-LM-1006 (Ill.Cir.Ct. Aug. 17, 2007); *Seifert v. May Co. Ret. Plan*, 96-1028-GPM (S.D.Ill. May 3, 1999); *Shuppert v. Blair Down*, 00-L-223 (Ill.Cir.Ct. Feb. 18, 2004); *Sparks v. Lucent Tech.*, 96-LM-983. (Ill.Cir.Ct. Aug. 9, 2002); *Sullivan v. DeBeers, A.G.*, 04-2819 (D.N.J. Nov. 30, 2005); *Synfuel Tech., v. Airborne Inc.*, 02-CV-324-DRH (S.D.Ill. Oct. 31, 2003); *Todt v. Ameritech Corp.*, 97-L-1020, (Ill.Cir.Ct. Nov. 12, 1997); *Tullock v. K-Mart Corp. Employee Pension Plan*, 99-289-DRH (S.D.Ill. Feb. 22, 2002); *Turner v. R.J. Reynolds Tobacco Co.*, 00-L-113 (Ill.Cir.Ct. Nov. 14, 2001); *Vollmer v. PCH*, 99-434-GPM (S.D.Ill. Jun. 30, 1999); *Wheeler v. Sears, Roebuck & Co.*, 99-L-529 (Ill.Cir.Ct. Apr. 17, 2003); *Wilgus v. Cybersource*, 02-L-995 (Ill.Cir.Ct. Aug. 30, 2004); *Williams v. Con Agra*, 97-L-373 (Ill.Cir.Ct. Oct. 31, 1997).

with smaller pension incomes than are guaranteed by law. In the last eight years, Doug Sprong and Steve Katz of Korein Tillery have acted as court-appointed Lead Counsel in numerous pension fund class actions, recovering over \$1 billion in judgments and settlements on behalf of hundreds of thousands of retirees and employees, including the following:

***Cooper v. The IBM Pers.Pension Plan***, 2005 WL 1981501, 35 Employee Benefits Cas. 2488 (S.D. Ill. 2005), appeal dismissed, 163 Fed.Appx. 424 (7th Cir. Feb 1, 2006). Korein Tillery attorney challenged IBM's pension equity plan on the grounds that it violated ERISA's prohibition against age discrimination. After obtaining class certification and summary judgment in favor of the class, Korein Tillery obtained a \$324 million settlement for the class.

***Clevenger v. Dillards, Inc.***, 412 F. Supp. 2d 832 (S.D. Ohio 2006). After successfully challenging both Dillards' method of calculating retirees' lump sum benefits, and Dillard's amendments to the plan affecting the calculations, Korein Tillery obtained a settlement of \$35 million for the class.

***Berger v. Xerox Retirement Income Guar. Plan***, 231 F.Supp.2d 804 (S.D.Ill. Sep. 30, 2002), aff'd 338 F.3d 755 (7th Cir. Aug. 1, 2003). Korein Tillery obtained a \$255 million judgment for a class of retirees in their challenge to Xerox's improper payment of lump sum distributions from a defined benefit, cash balance plan. Following Korein Tillery successful defense of the verdict on appeal, the case settled in March 2004 for \$239 million.

***Laurenzano v. Blue Cross/Blue Shield of Mass. Ret. Income Trust***, 134 F.Supp. 2d 189 (D.Mass. 2001). Korein Tillery challenged Defendant's exclusion of cost-of-living adjustments in the calculation of retirement benefit lump sums paid to Class Members and recovered approximately \$16 million for BCBS retirees.

***Esden v. Bk. of Boston***, 229 F.3d 154 (2nd Cir. 2000). Korein Tillery attorneys Douglas Sprong and Steven Katz were class counsel in this groundbreaking case in this ERISA class action. *Esden* has formed the basis for a number of other class actions which netted hundreds of millions of dollars for retirees. *Esden* was the first case to successfully challenge balance-type defined benefit plans.

***Malloy v. Ameritech***, 98-488-GPM (S.D.Ill. May 3, 2000). Korein Tillery attorneys Douglas Sprong and Steven Katz were class counsel in this suit for ERISA violations and recovered approximately \$185 million in pension benefits for Ameritech retirees.

***Berkowitz v. National Westminister Bancorp Ret. Plan***, 2000 WL 852451 (D. Conn. March 30, 2000). Connecticut District Court pension miscalculation case resulting in approximately \$4 million to the putative class.

***Call v. Ameritech Mgt. Pension Plan***, 475 F.3d 816 (7<sup>th</sup> Cir. 2007). Southern

District of Illinois and Seventh Circuit case wherein \$31 million was recovered for Plan participant retirees.

*Williams v. Rohn & Haas Pension Plan*, 497 F.3d 710 (7th Cir. 2007). The Seventh Circuit affirmed a summary judgment in favor of a class of retirees that the defendant pension plan violated ERISA by failing to include the value of a cost-of-living adjustment in the class members' lump sum distributions. The Seventh Circuit remanded the case to the District Court for recalculation of the class members' benefits to include the value of the cost-of-living-adjustment. Korein Tillery estimates that the recalculation will result in additional pension benefits to the class in excess of \$100 million.

#### **OTHER KOREIN TILLERY CLASS ACTIONS**

##### ***Kircher v. Putnam Funds Trust***

In this case, the United States Supreme Court unanimously agreed with Korein Tillery attorneys that district court decisions remanding cases back to state courts after wrongful removal under the Securities Litigation Uniform Standards Act of 1998, like other decisions regarding the propriety of removal, are not appealable. In numerous securities cases, Korein Tillery has successfully defeated defendants' attempts to remove under SLUSA by noting that the causes of action asserted did not meet all of the requirements for the Act to apply. But defendants were able to protract the litigation by appealing the remand decisions. Based on this Supreme Court's decision, however, defendants will no longer be able to delay litigation by removing cases under the Act and then appealing the district courts' remand decisions.

##### ***Price v. Philip Morris USA, Inc.***

Korein Tillery served as class counsel for the class of Illinois smokers of Marlboro Lights and Cambridge Lights cigarettes in the case of *Price v. Philip Morris*. The *Price* case was the first consumer fraud "light" cigarette class action case to be certified and tried in the United States. The seven-week trial in 2003 brought together preeminent leaders of the world public health community in support of an Illinois consumer fraud case challenging the use of the word "light" as a deceptive low-tar cigarette descriptor. The 10.1 billion dollar judgment made findings of specific fraudulent conduct of significance to millions of smokers across the country. The Illinois Supreme Court, however, reversed the judgment.

##### ***Sullivan, et al. v. DB Investments, Inc., et al.***

In another class action on behalf of consumers, Korein Tillery was appointed co-lead counsel representing end-user consumers in this group of class action lawsuits alleging that the De Beers group of companies conspired to fix, raise, and control the

price of gem diamonds, monopolized the rough gem diamond market, and issued false and misleading advertising. The lawsuits claim that De Beers' actions violated federal and state antitrust and unfair competition laws, and state consumer protection and deceptive advertising laws—resulting in higher prices for diamonds and diamond jewelry. De Beers has agreed to settle the case for \$295 million in addition to entering into an injunction prohibiting this unfair conduct in the future. The settlement has been preliminarily approved and notices have been sent out.

***Prather v Pfizer Inc.***

A result that reflects Korein Tillery's position as a leader in the prosecution of consumers' fraud and deceptive trade practice claims against prescription drug manufacturers for fraudulent marketing schemes, KT settled this consumer fraud action on behalf of residents of the State of Illinois against the world's largest pharmaceutical company, Pfizer, and its subsidiary, Warner-Lambert, relating to advertising and marketing misrepresentations made regarding the prescription drug Rezulin, which became available in the United States in 1997 for the treatment of Type II diabetes. On behalf of our clients, KT alleged that the defendants failed to inform the public of the severity and frequency of liver toxicity associated with Rezulin. The resulting settlement, approved in December, 2004, established a fund of \$60 million, representing an 85% recovery for members of the class, all of which would be eventually refunded to members of the class or used to fund diabetes research. To date, the *Prather* action is the only successful class action case involving the drug Rezulin.

***Hoorman v. SmithKline Beecham Corp.***

Similarly, in *Hoormann*, Plaintiffs alleged that although it had actual knowledge that Paxil® and Paxil CRT™ would not work and would expose children and adolescents to dangerous side effects, GSK promoted Paxil® for prescription to children and adolescents while withholding and concealing negative information concerning its safety and effectiveness in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, and other states' consumer protection statutes. Following three years of litigation, the parties reached a settlement that established a \$63.8 million fund calculated to reimburse class members 100% of their out-of-pocket expenses.

***Barbara's Sales v. Intel Corp.***

Following the discovery that Intel's Pentium 4 processors released in 2000 and 2001 were not any faster than less expensive Pentium III, Celeron or AMD Athlon processors that were based on an older design, Korein Tillery filed suit against Intel and the world's leading computer manufacturers. Plaintiffs, working in opposition to such firms as Skadden Arps, Perkins Cole Brown & Bain, Morgan Lewis, among others, and *amici* from the U.S. Chamber of Commerce, have defeated defendants' attempts to remove the action and attacks on the pleadings and forum (including appellate review) and obtained class certification. On review the Illinois intermediate appellate court became the first appellate court in the country to approve applying the law of the

defendant's principal place of business to class members wherever they may be found.

***Sparks v. AT&T Corporation and Lucent Technologies, Inc***

*Sparks* was a nationwide class action against AT&T and Lucent Technologies arising from their business of leasing telephone sets to residential consumers. In 1984, AT&T began independently charging leasing fees to residential customers for the telephone sets that customers received when they first obtained telephone service. AT&T continued to charge residential customers the monthly lease charges by sending a quarterly bill for "leased equipment" without identifying the fact that the leased equipment was a telephone set, the quantity of sets supposedly being leased, or the style of the sets. Many customers continued to pay the bill over the intervening 15 years believing that AT&T was charging for access to long-distance telephone service. *Sparks* was one of the largest nationwide class action cases ever certified consisting of more than 20 million people. In litigation spanning seven years, including numerous appeals, Korein Tillery attorneys deposed more than 150 corporate designees and fact witnesses and reviewed and catalogued more than 3.2 million pages of documents. The parties reached a settlement on the eve of trial in which the defendants agreed to pay up to \$300 million in cash to the class members.

***Folkerts v. Illinois Bell***

In this consumer fraud class action brought on behalf of Illinois customers of Ameritech, the plaintiffs alleged that Ameritech's practice of adding inside-wire maintenance charges to the bills of customers who had not requested such a service constituted a deceptive practice under the Illinois consumer fraud act. A team of Korein Tillery attorneys took dozens of depositions and reviewed millions of documents pursuing the case. After three years of litigation the case settled for \$175 million.

***Joiner v. Ameritech Mobile Communications, Inc.***

Korein Tillery attorneys were appointed Class Counsel in this consumer fraud and breach of contract case against Ameritech Mobile in connection with its "round up" practice of charging customers for one full minute of airtime for each portion of a minute used. Korein Tillery negotiated the largest settlement of any cellular phone "round-up" case in the nation receiving court approval in December 2000. Korein Tillery was involved in and settled similar litigation against Southwestern Bell Mobile in 1998.